

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
BAIL APPLICATION NO. 3256 OF 2022

1. Anil Tukaram Somvanshi
2. Anil Subhash Rakh
3. Dhanaji Ananda Wanangade ...Applicants
Versus
The State of Maharashtra ...Respondent

WITH
INTERIM APPLICATION NO. 2947 OF 2023

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Mr. Aniket Vagal a/w Kunal Pednekar a/w Savvy Kolhekar for the Applicants.
Mrs. M. H. Mhatre, APP for the State.
Ms. Tanu Bhatia for the Complainant.

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CORAM : N. R. BORKAR, J.
DATED : 7 DECEMBER 2023

P.C. :-

This is an application filed under Section 439 of the Code of Criminal Procedure, 1973 for bail.

2. The learned counsel for the applicants, on instructions, seeks leave to withdraw the application qua the applicant No. 2- Anil Subhash Rakh with liberty to file fresh application for bail after three months. The application qua the applicant No. 2 is disposed of as withdrawn with

liberty as sought for.

3. The applicant Nos. 1 and 3 came to be arrested in Crime No. 537 of 2014 registered at Hadapsar Police Station for the offences punishable under Sections 302, 143, 147, 148, 149, 201, 352, 120-B of the Indian Penal Code and Sections 3(1)(i), 3(1)(ii), 3(2), 3(4), 4 of the Maharashtra Control of Organized Crime Act.

4. This Court on 30 March 2023 passed the following order :

“ The learned PP has tendered a pursis (Exhibit-23) filed before the trial Court. By the said pursis, the prosecution has closed it's evidence. It appears that the applicants are in jail for more than eight years. The trial Court, therefore, shall endeavor to conclude the trial as early as possible.

2. If the trial is not concluded within four months from the date of receipt of copy of this order, the applicants are thereafter at liberty to circulate these applications.”

5. The learned APP submits that the trial is at the stage of argument.

6. The learned counsel for the applicant Nos. 1 and 3 submits that the trial is not likely to be concluded within short span of time as recently one of the accused has absconded. It is submitted that the applicants are in jail for more than nine years.

7. In spite of the order dated 30 March 2023, the trial is still at the stage of argument. Considering the fact that the applicant Nos. 1 and 3 are

in jail for more than nine years, I am inclined to release them on bail.

Hence, the following order is passed:

- (i) Application is partly allowed.
- (ii) The applicant No. 1- Anil Tukaram Somvanshi and applicant No. 3- Dhanaji Ananda Wanangade shall be released on bail in Crime No. 537 of 2014 registered at Hadapsar Police Station for the offences punishable under Sections 302, 143, 147, 148, 149, 201, 352, 120-B of the Indian Penal Code and Sections 3(1)(i), 3(1)(ii), 3(2), 3(4), 4 of the Maharashtra Control of Organized Crime Act on furnishing PR bond in the sum of Rs. 25,000/- each with one or two sureties in the like amount.

8 . Interim Application also stands disposed of.

(N. R. BORKAR, J.)